

# WITHIN THE LAW



By MARVIN DANA  
FROM THE PLAY OF  
BAYARD VELLER

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"Well," the attorney said, with a smile, "that sort of thing makes good enough circumstantial evidence, and without circumstantial evidence there would be few convictions for crime. Yet as a lawyer I'm free to admit that circumstantial evidence alone is never quite safe as proof of guilt. Naturally she says some one else must have put the stolen goods there. That is quite within the measure of possibility. That sort of thing has been done countless times."

"And for what reason? It's too absurd to think about."

"In similar cases," the lawyer answered, "those actually guilty of the thefts have thus sought to throw suspicion on the innocent in order to avoid it on themselves when the pursuit got too hot on their trail. Some-

jection. "She seems to have hypnotized you." Then, as a new thought came to the magistrate, he spoke with a trace of anxiety. There were always the reporters looking for space to fill with foolish vaporings.

"Did she say anything against me or the store?"

"Not a word," the lawyer replied gravely. "She merely told us how her father died when she was sixteen years old. She was compelled after that to earn her own living. Then she told how she had worked for you for five years steadily without there ever being a single thing against her. She said, too, that she had never seen the things found in her locker. And she said more than that. She asked the judge if he himself understood what it means for a girl to be sentenced to prison for something she hadn't done. Somehow, Gilder, the way she talked had its effect on everybody in the courtroom. I know! It's my business to understand things like that. And what she said rang true. What she said and the way she said it take brains and courage. The ordinary crook has neither. So I had a suspicion that she might be speaking the truth." There was a little pause, while the lawyer moved back and forth nervously; then he added, "I believe Lawlor would have suspended sentence if it hadn't been for your talk with him."

"I simply did my duty," Gilder said. "You are aware that I did not seek any consultation with Judge Lawlor. He sent for me and asked me what I thought about the case—whether I thought it would be right to let the girl go on a suspended sentence. I told him frankly that I believed that an example should be made of her for the sake of others who might be tempted to steal. Properly has some rights, Demarest, although it seems to be getting nowadays so that anybody is likely to deny it." Then the freckled, half-alarmed note sounded in his voice again as he continued, "I can't understand why the girl wants to see me."

"Why, she just said that if you would see her for ten minutes she would tell you how to stop the thefts in this store."

"There," Gilder cried, "I knew it! The girl wants to confess. Well, it's the first sign of decent feeling she's shown. I suppose it ought to be encouraged. Probably there have been others mixed up in this."

"Perhaps," Demarest admitted. "At least it can do no harm if you see her. I thought you would be willing, so I spoke to the district attorney, and he has given orders to bring her here for a few minutes on the way to the Grand Central station. They're taking her up to Burning, you know. I wish, Gilder, you would have a little talk with her." The lawyer abruptly went out of the office, leaving the owner of the store fuming.

"Hello, dad!"

Gilder sprang to his feet, his face suddenly grown younger, radiant. "Dick!" The big voice was softened to exquisite tenderness.

As the eyes of the two met the boy rushed forward, and in the next moment the hands of father and son clasped firmly. Presently Gilder spoke, with an effort toward harshness in his voice to mask how much he was shaken. But the tones rang more kindly than any he had used for many a day, tremulous with affection.

"What brought you back?" he demanded.

"Why, I just wanted to come back home," he said lightly. "And, for the love of heaven, give Sadie \$5. I borrowed it from her to pay the taxi. You see, dad, I'm broke."

"Of course!" With the saying Edward Gilder roared gargantuan laughter. In the burst of merriment his pent feelings found their vent. He was still chuckling when he spoke sage from much experience of ocean travel. "Poker on the ship, I suppose."

"No, not that, though I did have a little run in at Monte Carlo. But it was the ship that finished me at that. You see, dad, they hired Captain Kidd and a bunch of pirates as stewards, and what they did to little Richard was something fierce. And yet, that wasn't the real trouble either. The



"I am glad to be home, dad."

fact is, I just naturally went broke. Not a hard thing to do on the other side."

"Nor on this," the father interjected dryly.

"Anyhow, it doesn't matter much," Dick replied, quite unabashed. "Tell me, dad, how goes it?"

"Pretty well, pretty well, son. I'm glad to see you home again, my boy." There was a great tenderness in the usually rather cold gray eyes.

"And I'm glad to be home, dad, to be—there was again that clearing of the throat, but he finished bravely—"with you."

The father avoided a threatening display of emotion by an abrupt change of subject to the trite, "Have a good time?" he inquired casually.

"The time of my young life. I tell you, dad, it's a fact that I did almost break the bank at Monte Carlo. I'd have done it sure if only my money had held out."

"It seems to me that I've heard something of the sort before," was Gilder's caustic comment. But his smile was still wholly sympathetic. He took a curious vicarious delight in the escapades of his son, probably because he himself had committed no follies in his callow days. "Why didn't you cable me?" he asked, puzzled at such restraint on the part of his son.

"Because it gave me a capital excuse for coming home."

"You clear out of here, boy!" Gilder commanded brusquely. "I'm a working man. But here, wait a minute," he added. He brought forth from a pocket a neat sheaf of banknotes, which he held out. "There's carfare for you," he said, with a chuckle. "And now clear out. I'll see you at dinner."

"You can always get rid of me on the same terms," Dick remarked slyly. In the doorway he turned with a final speech, which was uttered in splendid disregard for the packet of money he had just received. "Oh, dad, please don't forget to give Sadie that \$5 I borrowed from her for the taxi."

The owner of the store returned to his labors with a new zest, for the meeting with his son had put him in high spirits. Perhaps it might have been better for Mary Turner had she come to him just then, while he was yet in this softened mood. But fate had ordained that other events should restore him to his usual harder self before their interview. Smithson entered with an expression of discomfort on his rather vacuous countenance. He walked almost limply to the desk and spoke with evident distress as his employer looked up interrogatively.

"McCracken has detained—er—a lady, sir," he said feebly. "She has been searched, and we have found about \$100 worth of lace on her."

"Well?" Gilder demanded impatiently. Such affairs were too common in the store to make necessary this intrusion of the matter on him. "Why did you come to me about it?"

"I'm very sorry, sir, but I thought it wiser, sir, to—er—to bring the matter to your personal attention. The lady

happens to be the wife of a kelly, the banker, you know."

## CHAPTER III.

### The Victim of the Law.

YES, Gilder did know. The mention of the name was like a spell in the effect it wrought on the attitude of the irritated owner of the store. Instantly his expression changed.

"How extremely awkward!" he cried, and there was a very real concern in his voice. He regarded Smithson kindly, whereat that rather pulling gentleman once again assumed his martial bearing. "You were quite right in coming to me." For a moment he was silent, plunged in thought. Finally he spoke with the decisiveness characteristic of him. "Of course there's nothing we can do. Just put the stuff back on the counter and let her go."

But Smithson had not yet wholly unburdened himself. He again cleared his throat nervously.

"She's very angry, Mr. Gilder," he announced timidly. "She—er—she demands an—er—an apology."

The owner of the store half rose from his chair, then threw himself back with an exclamation of disgust.

"God bless my soul!" he cried. Again he fell silent, considering the situation which Smithson had presented. At last, however, he mastered his irritation to some degree and spoke his command briefly. "Well, Smithson, apologize to her. It can't be helped."

When Smithson had left the office Gilder turned to his secretary.

"Take this," he directed, and he forthwith dictated the following letter:

J. W. Gaskell, Esq., Central National Bank, New York.

My Dear Mr. Gaskell—I feel that I should be doing less than my duty as a man if I did not let you know at once that Mrs. Gaskell is in urgent need of medical attention. She came into our store today, and—

He paused for a moment. "No, put it this way," he said finally:

We found her wandering about our store today in a very nervous condition. In her excitement she carried away about \$100 worth of rare laces. Not recognizing her, our store detective detained her for a short time. Fortunately for us all, Mrs. Gaskell was able to explain who she was, and she has just gone to her home. Hoping for Mrs. Gaskell's speedy recovery, and with all good wishes, I am yours very truly.

Smithson again entered the office, even more perturbed than before.

"What on earth is the matter now?" Gilder spluttered suspiciously.

"It's Mrs. Gaskell still," Smithson replied in great trepidation. "She wants you personally, Mr. Gilder, to apologize to her. She says that the action taken against her is an outrage, and she is not satisfied with the apologies of all the rest of us. She says you must make one, too, and that the store detective must be discharged for intolerable insolence."

Gilder bounced up from his chair angrily.

"I'll not discharge McCracken," he vociferated, glaring on Smithson, who shrank visibly.

"But about the apology, Mr. Gilder," he reminded, speaking very deferentially, yet with insistence.

"Oh, I'll apologize," he said with a wry smile of discomfiture. "I'll make things even up a bit when I get an apology from Gaskell. I shrewdly suspect that that estimable gentleman is going to eat humble pie, of my baking, from his wife's recipe. And his will be an honest apology, which mine won't." And he left the room.

It was on this same day that Sarah, on one of her numerous trips through the store in behalf of Gilder, was accosted by a salesgirl, whose name, Helen Morris, she chanced to know.

"What on earth do you want?" Sarah inquired snappishly.

"What did they do to Mary Turner?"

"They sent her to prison for three years."

"Three years?" The salesgirl had repeated the words in a tone that was indefinable, yet a tone vehement in its incredulous questioning. "Three years?" she said again, as one refusing to believe.

"Yes, three years."

"Good God!" There was no irreverence in the exclamation that broke from the girl's lips. Instead only a tense horror that touched to the roots of emotion.

"Say," Sarah demanded, with the directness habitual to her, "why are you so anxious about it? This is the third time you have asked me about Mary Turner. What's it to you, I'd like to know?"

The salesgirl started violently, and a deep flush drove the accustomed pallor from her cheeks. She was obviously much disturbed by the question.

"What is it to me?" she repeated in an effort to gain time. "Why, nothing—nothing at all, only—she's a friend of mine, a great friend of mine. Oh, yes!"

There was a monotone of desolation as she went on speaking in a whisper meant for the ears of no other. "It's awful—three years! Oh, I didn't understand! It's awful—awful!" With the final word she hurried off, her attitude one of wondering grief.

Sarah was thinking intently of Mary Turner after her return to the office. As she glanced up at the opening of the door she did not at first recognize the figure outlined there. She remembered Mary Turner as a tall, slender girl, who showed an underlying vitality in every movement, a girl with a face of regular features, in which was a complexion of blended milk and roses, with a radiant joy of life shining through all her arduous and vulgar conditions.

Instead of this, now she saw a frail form that stood swaying in the doorway, that bent in a sinister fashion which told of bodily impotence, while

the face was quite bloodless.

A man stood beside her, one of his hands clasped around the girl's wrist. It was Cassidy, from headquarters, who spoke in a rough, indifferent voice. "The district attorney told me to bring this girl here on my way to the Grand Central station with her."

"Mr. Gilder will be right back. Come in and wait."

The two went forward very slowly, the officer, carelessly conscious of his duty, walking with awkward steps to suit the feeble movements of the girl. Sarah at last found her voice for an expression of sympathy.

"I'm sorry, Mary," she said hesitatingly. "I'm terribly sorry, terribly sorry!"

The girl did not look up. She stood still, swaying a little, as if from weakness.

"Are you?" she said. "I did not know. Nobody has been near me the whole time I have been in the Tombs."

"Why," Sarah exclaimed, "there was Helen Morris today! She has been asking about you again and again. She's all broken up over your trouble."

"Who is Helen Morris?" the lifeless voice demanded. There was no interest in the question.

To Be Continued

## FREE TRADE XMAS DAYS

Christmas Day, 1913, was the first free trade Christmas in seventeen years. The Christmas Days of 1894, 1895 and 1896 were free trade Christmas days. They were sad days, too; days of bread lines, of soup houses,

of free clothing distribution of various forms of charity brought into action by free trade conditions. The Christmas of 1897 was a protection Christmas, a McKinley Christmas, a Dingley tariff Christmas, a Christmas of restored prosperity, a Christmas of peace and good will; no starving thousands; no riots; no bloodshed.

Now comes another free trade Christmas. On the morning of December 26 appears in a New York paper a batch of free trade Christmas news, evidently carried by the Associated Press, as follows:

Los Angeles, Cal., Dec. 25.—Hundreds of unemployed and hungry men began rioting at the Plaza this afternoon. A large force of police were called out. They cleared the streets of all traffic and started in with their clubs to end the disturbance.

Rafael Adams, a Mexican was killed and five policemen were injured. Twenty of the rioters were arrested. When the police arrived on the scene and began to clear the streets, stones were thrown and clubs used by men who had been listening to speeches. Adams was one of the leaders in resisting and was shot by an officer.

Although the rioters put up a vigorous fight, none was armed, and the police suffered injuries from clubs and stones only. The plaza finally was cleared and the disturbance ended.

San Francisco, Dec. 25.—Christmas Eve found 100,000 men out of work in the principal cities on the coast. In commenting on the many robberies, burglaries and crimes of violence of the last fortnight, Captain Mooney chief of the detective bureau, estimated there are 20,000 unemployed in this city. Hunger has no conscience, he said, and the wave of crime is bound to rise higher unless the city provides work.

Los Angeles reported 35,000 unemployed and Portland and Seattle accounted for the remainder. Measures of relief have been presented to the various state and municipal authorities. Governor Johnson of California replied to a delegation of workmen that each city must care for its own problems. Governor West of Oregon, declined to call a special session of the legislature.

Seattle, Wash., Dec. 25.—Of 1300 men who have applied to the city for work specially provided to aid the destitute, only six are members of labor unions. The city officials question the applicants for relief in order that those who belong to fraternal and other organizations may be helped by such bodies.

Do you begin to cough at night, just when you hope to sleep? Do you have a tickling throat that keeps you awake? Just take Foley's Honey and Tar Compound. It will check the cough and stop the tickling sensation at once. Does not upset the stomach, is best for children and grown persons.—Coop Drug Co.—Adv.

DEFINITION OF AN EPIGRAM

Fannie Henslip Lea, writing a story in the Woman's Home Companion makes one of her characters define an epigram, as follows:

An epigram is saying something you do not mean, just to be smart.

## APPLICANTS ARE SURE OF POSITIONS

Appointments Expected To Be Made By President Wilson This Week

Salt Lake Jan. 13.—The appointments of W. W. Ray to be United States district attorney for Utah and Aquila Nebeker to be United States marshal will be made this week. This is the belief of local Democrats who are in close touch with Washington.

These two appointments, it is understood were agreed to by the president before the holidays and that they were not sent to the senate for confirmation is due only to the fact that they were not reached during the press of business attendant upon the executive just prior to the congressional recess.

President Wilson will arrive in Washington early today and may not be able to reach his appointments for a few days so engrossed will he be in the preparation of his message to congress on the trusts. These two appointments, however, it is considered certain, will not be long delayed.

Acting Temporarily

Mr. Ray is now acting temporarily as United States attorney having been appointed to that place by Federal Judge John A. Marshall at the time of the removal of H. E. Booth. He was recommended to the place by the department of justice and the choice is said to have the approval of President Wilson.

The appointment of Aquila Nebeker for marshal has been recommended by the department of justice, and as the term of United States Marshal James H. Anderson long since expired, prompt action by the president in naming his successor is expected.

Two other appointments expected soon, but probably not among the first to be named are those for the positions of surveyor general and receiver of the United States land office.

The term of office of Surveyor General Thomas Hull expired last month. For this place there are a dozen applicants and from this number the commissioner general of the land office has not yet made a choice. The commissioner, however, is giving the matter his attention and conferring with Secretary of the Interior Franklin K. Lane relative to the selection of a man to fill this place.

Miss Connell Favored

The interior department according to information from Washington, has decided upon Miss Margaret Connell for the position of receiver of the United States land office at Salt Lake. The term for which Colonel M. M. Kalign of Salt Lake was appointed to this position does not expire for more than a year, but steps looking to his removal on the ground that he is not in harmony politically with the administration are said to have been taken. The removal of E. D. R. Thompson, register of the United States land office, is also considered likely.

With the appointments for the positions under the department of justice and the interior department decided upon, the most important offices remaining to be filled will be that of postmaster for Salt Lake.

Two Candidates in Field

Noble Warrum and D. C. Dunbar are candidates for this place and each has strong endorsements. The term of office of Postmaster Arthur L. Thomas does not expire for several months, but an effort may be made by local Democrats to secure his removal before that time.

Plans are also being made by the Democratic state committee to inaugurate a campaign for the removal of Postmaster James Clove of Provo and Postmaster Judd of St. George on charges of pernicious political activity. Both Clove and Judd have formed parts of the Smoot machine and both are particularly obnoxious to the Democrats.

A DIFFERENCE IN WORKING HOURS

Man's working day is eight hours. His body organs must work perfectly 24 hours to keep him fit for eight hours work. Weak, sore, inactive kidneys can not do it. They must be sound and healthy active all the time. Foley Kidney Pills will make them so. You cannot take them into your system without good results following. Co-op Drug Co.—Adv.

Men too often think they have reformed when they have merely decided to be good until the scare blows over.

TRY A WANT-AD IF YOU WOULD OBTAIN QUICK RESULTS. THEY ARE WIDELY READ.